

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

JEROME H. FRIEDMAN, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00075

JACOB MASSILE, Officer, Fayette County,
MR. FRANCIS, Warden, Southern Regional Jail,
LARRY HARRAH II, Attorney, and
CHARLESTON AREA HOSPITAL NURSE STAFF,

Defendants.

ORDER

Pending is Plaintiff's Complaint [ECF 1], filed February 1, 2023. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R [ECF 15] on November 20, 2024, recommending the Court dismiss Plaintiff's Complaint against Defendants Mr. Francis, Larry Harrah II, and Charleston Area Hospital Nurse Staff under 28 U.S.C. §§ 1915A and 1915(e)(2)(B) for failure to state a claim upon which relief can be granted. [*Id.* at 9]. Magistrate Judge Tinsley further recommended a continued referral respecting claims against Defendant Jacob Massile. [*Id.*]

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis


added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on December 9, 2024. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 15] and **DISMISSES** Plaintiff's claims as to Defendants Francis, Harrah, and Charleston Area Hospital Nurse Staff. The case is **REFERRED ANEW** to Magistrate Judge Tinsley.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: December 16, 2024




Frank W. Volk
Chief United States District Judge